IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 25580 of 2007(T)

PETITIONER:

KRISHNANKUTTY,
S/O.LATE RAVUNNI EZHUTHACHAN, AGED 56
YEARS, STREET NO.9, WARD NO.32, EAST VENNAKARA,
NOORANI P.O., PALAKKAD.

BY ADV. SRI.P.R.RAMACHANDRA MENON

RESPONDENTS:

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1. PALAKKAD MUNICIPALITY,
REP. BY ITS SECRETARY, PALAKKAD.

2. THE VILLAGE OFFICER,
PALAKKAD - I VILLAGE,
PALAKKAD.

3. STATE OF KERALA,
REP. BY SECRETARY TO THE LOCAL SELF GOVT.DEPT,
THIRUVANANTHAPURAM.

R1 & R2 BY ADV. SRI. V. CHITAMBARESH.
R3 BY SR. GOVT. PLEADER SRI. K.J. MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.25580 of 2007

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Dated this the 22nd day of August, 2007

JUDGMENT

Petitioner challenges Ext.P3.

2. I heard learned counsel for the Municipality Sri. V.Chitambaresh also. He submits that Ext.P3 can be treated as notice, to which petitioner can file objection and he can be heard in the matter.

Recording the submission of the learned counsel for the Municipality, the writ petition is disposed of directing that Ext.P3 will be treated as a notice, to which the petitioner may file objection within two weeks from today. The Secretary of the first respondent Municipality shall afford an opportunity of being heard to the petitioner and after considering his contentions a decision will be taken in accordance with law within a period of one month from the date of hearing. The Secretary will also hear the respondent Village Officer before a decision is taken. Demolition pursuant to Ext.P3 will be kept in abeyance till a decision is taken and communicated to the petitioner.

(K.M. JOSEPH, JUDGE)

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